

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL EMMETT WYATT, #211 315

*

Petitioner,

*

v.

* CIVIL ACTION NO. 2:05-CV-781-F

GWENDOLYN MOSLEY, WARDEN, *et al.*,

*

Respondents.

*

ORDER

On November 8, 2005 Petitioner filed a response to the order of this court requiring that he establish cause and prejudice with respect to his ineffective assistance of counsel claim presented in his amended petition which is considered procedurally defaulted. (Doc. No. 18.) In his November 8 response, Petitioner asserts that any default arising from the failure to present the this claim in accordance with the state's procedural rules was due to the ineffective assistance of appellate counsel. (*Id.*) The court, therefore, construes Petitioner's November 8 response as a motion to amend. Upon consideration of the motion to amend, and for good cause, it is

ORDERED that this motion (Doc. No. 18) be and is hereby GRANTED.

It is further

ORDERED that the Clerk of Court is directed to SEND a copy of the amended petition and this order to counsel of record. An answer to the amended petition shall be filed

on or before November 29, 2005. Respondents' supplemental answer should be filed in compliance with the directives contained in the court's August 19, 2005 order of procedure.

(See Doc. No. 4.)

Done this 10th day of November 2005.

/s/ Delores R. Boyd

DELORES R. BOYD

UNITED STATES MAGISTRATE JUDGE